

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Examiner : Cybille Delacroix-Muirheid
 Group : 1614
 Applicants : Paul R. Sleath et al.
 Application No. : 09/670,106 Confirmation No.: 5809
 Filed : September 26, 2000
 For : INTERLEUKIN 1 β PROTEASE AND INTERLEUKIN
 1 β PROTEASE INHIBITORS

New York, New York
 October 23, 2003

Hon. Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(b) and (c)

Sir:

VERTEX PHARMACEUTICALS INCORPORATED, a corporation
 organized and existing under the laws of the Commonwealth of Massachusetts, having an
 office and place of business at 130 Waverly Street, Cambridge, Massachusetts 02139-4242
 ("VERTEX PHARMACEUTICALS INC."), represents that it is the assignee of record of the
 entire right, title and interest, by assignment, of the following:

United States patent application No. 09/670,106 (hereinafter "the '106
 application"), for "INTERLEUKIN-1 β PROTEASE AND INTERLEUKIN-1 β PROTEASE
 INHIBITORS," filed on September 26, 2000; which is a continuation of U.S. application No.
 09/039,657, filed March 16, 1998, now U.S. Patent 6,136,787 (hereinafter "the '787 patent"),
 which is a division of U.S. application No. 08/440,179 (hereinafter "the '179 application"),
 filed May 12, 1995, now U.S. Patent 5,756,465 (hereinafter "the '465 patent"); which is a

division of U.S. application No. 08/203,716, filed February 28, 1994, now U.S. patent 5,416,013; which is a continuation of U.S. application No. 07/750,644, filed august 30, 1991 now abandoned; which is a continuation-in-part of U.S. application No. 07/505,298, filed April 4, 1990, and U.S. application No. 07/656,759, filed February 13, 1991, now both abandoned.

An assignment of the entire right, title and interest in and to the subject matter of the '106 application and the '787 patent was recorded in the United States Patent and Trademark Office in the '179 application on January 26, 1998 at Reel/Frame 8934/0212 and in the '465 patent on March 16, 1998 at Reel/Frame 9067/0001.

The undersigned, on behalf of VERTEX PHARMACEUTICALS INC., hereby disclaims the terminal portion of any patent granted on the '106 application which would extend beyond the expiration date of the '787 patent.

The undersigned, on behalf of VERTEX PHARMACEUTICALS INC., agrees that any patent so granted on the '106 application shall be enforceable only for and during such period as the legal title to said patent shall be the same as the legal title to the '465 patent, this agreement to run with any patent granted on the '106 application and to be binding upon the grantee of the patent and its successors and assigns.

The undersigned does not disclaim any terminal portion of any patent granted on the '106 application prior to the full statutory term of the '787 patent, in the event that the '787 patent subsequently (a) expires for failure to pay a maintenance fee, (b) is held unenforceable, (c) is found invalid by a court of competent jurisdiction, (d) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), (e) has all claims canceled by a reexamination certificate, or (f) is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

The undersigned hereby states and certifies that:

1. The undersigned is an agent of record in the '106 application and is authorized to act on behalf of assignee corporation in connection with said application; and
2. The above-identified assignment documents have been reviewed and, to the best of the undersigned's and assignee's knowledge and belief, title to the '106 application and the '787 patent is in assignee.

VERTEX PHARMACEUTICALS INCORPORATED



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